MT LEGISLATIVE HISTORY

Chapter 337 19 71

Bill (H) 329 S _____ Original bill & hist. ___C

H. Committee on Environmental Resources

Hearing Date(s) JAN 28 ✓C

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Date Out _____ ___C

S. Committee on Natural Resources

Hearing Date(s) FEB 23 ✓C

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Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SENATE COMMITTEE
on
NATURAL RESOURCES

The thirteenth meeting of the Senate Committee on Natural Resources was called to order by Chairman Wm. H. Bertsche at 12:00 noon, February 23, in Room 442. Roll was called and quorum declared present.

Rep. William Booth presented a statement in favor of HJR #30, of which he is chief sponsor. There were no opponents.

Dave Fisher, Montana Volunteer Firemen's Association, spoke in favor of and presented HB 329. R. A. Ellis of the same group also spoke in favor of the bill. There were no opponents.

Rep. Fagg then appeared with a group of small miners to bring in amendments to HB 244. Mr. Larry Ward representing the Elliston miners spoke in favor of the bill as amended.

Mr. Don Byrd, representing his father William Byrd, a small miner of Helena, spoke in favor of the bill as amended and said it was a bill the small miners could live with, and in fact support.

Mr. Fagg presented a rough draft of proposed amendments. Chairman Bertsche questioned whether the bill could be so amended since they had changed the title. Rep. Fagg will have proper amendments prepared, or have the bill re-drafted to present to the committee before the Senate adjourns this date so it can be acted upon.

It was moved by Senator Fagg, seconded by Senator Norits, that HB 329 BE CONCURRED IN. The motion carried.

It was moved by Senator Norits, seconded by Senator Flynn, that HJR #30 DO PASS. The motion carried.

The Chairman stated that he would call a meeting of the committee today as soon as he receives the re-drafted HB 244 from Rep. Fagg.

On motion the meeting adjourned.

Chairman

Doris Cox, Secretary

COMMITTEE ON Natural Resources BILL NO. HJR 20 HB 327 HB 244

VISITOR'S REGISTER

NAME	REPRESENTING	Check One Support	Oppose
Wm R Boyd	HJR 31	✓	
Ted Tyler Mr. Gov. Off. Dept. Nat. Res.	HB327	✓	
Ed Heaton Mont Val Fed	HB-327	✓	
John Peter 2nd Mont Val.	✓	✓	
Larry Ward	HB 244	✓	
John D Boyd	HJR 31	✓	
Bob D Boyd			
Jess Cantrell	HB 244	✓	
Charles Boyd	HB 244	✓	
Robert Hawley	HB 244	✓	
Phil Edwards	HB 244	✓	
Don Boyd	HJR 31	✓	

(Please leave prepared statement with secretary)

didn't think there were. Rep. Haines stated the signature of Clarke had been preserved on Pompey Pillar near Billings by the Great Northern Railroad. Rep. Darrow asked if it would be desirable to amend the bill to have the agencies make reasonable attempts to obtain agreements from private citizens and Rep. Haines said he would like to have the resolution strengthened if possible and an amendment would meet with his approval. Mr. Kerzenbaum said there must be hundreds of the paintings on private lands.

Rep. Hall, Dist. 18, appeared as author of H.B. 329. He said the bill was proposed by the Voluntary Fire Districts Association and concerned the amendment to the present law. This amendment, he said, appeared on page 2, subsection 5. The change would allow the county commissioners authority to increase the payment to the voluntary fire districts from the present $5,000 to $15,000, he said, which increase was needed to furnish equipment for the voluntary firemen.

Mr. John Riley, Butte, representing Montana State Volunteer Firemen's Association, stated it would modernize the present law so that the districts can have better equipment. It would not be mandatory and would cover fires in the rural areas either on private or state owned lands. He urged a do pass for the bill.

Rep. Ainsworth asked how this differed from the special improvement districts and Rep. Hall stated the taxes for the SID were raised just in that district and the taxes for this would be raised on the entire county. Mr. Hall stated the SID could provide far better protection than the rural fire districts could provide. He said Mr. Riley stated tax for the county-wide tax would be raised outside the SID.

There being no further questions, the visitors were excused.

Rep. Anderson moved that H.B. 231 do pass, seconded by Rep. Quilici and the motion carried unanimously.

Rep. Scott moved that HJR 22 be adopted, seconded by Rep. Kolstad but Rep. Darrow made a substitute motion that it be amended to extend negotiations with owners of private lands on which Indian paintings are located, Rep. Johnston seconded the substitute motion. The substitute motion carried unanimously, and HJR 22 was adopted.

Rep. McGrath moved that H.B. 329 do pass, seconded by Rep. Quilici and the motion carried with one opposing vote.

Rep. Scott moved that H.B. 124 do not pass; he said he thought it had merit but felt that it was unconstitutional and would affect interstate commerce. He said he thought the points made by the opponents were well taken. Rep. McKittrick seconded the motion and the motion carried.

Rep. Ainsworth stated the sub-committee on H.B. 157 had been

THOSE APPEARING ON HOUSE BILL 329, January 28, 1971

DON ALDRICH, MONTANA WILDLIFE FEDERATION

MYRLIN DONALDSON, HELENA VALLEY RANCHER

WESLEY A. D'EWART, MONTANA FARM BUREAU

B. A. ELLIS, MONTANA VOLUNTEER STATE FIREMEN'S ASSOCIATION

PETER J. MEDINT, SILVER BOW VOLUNTEER FIRE COUNCIL

JOHN R. RILEY, MONTANA STATE VOLUNTEER FIREMEN'S ASSOCIATION

CHAPTER NO. 337

An Act to Amend Section 28-603, R.C.M. 1947, Relating to the Protection and Conservation of Forest and Farm Resources by the County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 28-603, R.C.M. 1947, is amended to read as follows:

County commissioners may establish fire seasons.

"28-603. **Powers of board.** (1) Boards of county commissioners may in their discretion establish fire seasons annually during which no person shall ignite or set any forest fire, or slash burning fire, or land clearing fire, or debris burning fire, or any open fire, within any forest, range or crop lands, subject to the provisions of this act,

Burning permit required.

without having obtained an official written permit to ignite or set such fire from a county rural fire chief or from a district rural chief authorized by the board to issue such permits for such lands;

Penalties for violations.

(2) Any person who shall ignite or set any forest fire, or slash burning fire, or land clearing fire, or debris burning fire, or any open fire, within any forest, range or crop land subject to the provisions of this act without first having obtained a written permit to ignite or set such fire shall be guilty of a misdemeanor;

Voluntary urban fire crews.

(3) To augment rural crews in case of serious emergency the boards may provide for the organization and training of voluntary urban fire crews to be used in rural areas;

Right of entry.

(4) Any county rural fire chief and/or district rural fire chief may enter private property either with or without fire control crews for the purpose of suppressing fires, and are exempt from any damage resulting from such activity;

Appropriations.

(5) The board is authorized to appropriate from the general fund of the county not to exceed *fifteen* thousand dollars *($15,000)* per year for the purchase, care and maintenance of fire-fighting equipment, or for the payment of wages to skilled operators of heavy mechanized equipment in the suppression of fires when deemed necessary; or if the general fund is budgeted to the full limit, the board may at any time fixed by law for levy

Levy and assessment.

and assessment of taxes levy a tax at such rate as in their judgment will be necessary to raise such needed sum not to exceed *fifteen* thousand dollars *($15,000)*."

CHAPTER NO. 338.

An Act Providing that the Owner of Real Property Against Which a Mechanics' Lien Has Been Filed May Substitute a Bond for the Security of the Lien and that Said Real Property Shall then be Released from the Effect of Such Lien, Together with Any Improvements Thereon, and Providing, in Such Instance, that the Lien Claimant Shall Have an Action upon the Bond Rather than an Action to Foreclose a Lien, and Providing that the Statute of Limitations for Foreclosure of a Mechanics' Lien Shall Apply to an Action upon Such Bond.

Be it enacted by the Legislative Assembly of the State of Montana:

Bond in lieu of mechanics lien.

Section 1. Whenever a mechanics' lien has been filed upon real property or any improvements thereon, as enumerated in section 45-501, R.C.M., 1947, the owner of any interest in such property, whether legal or beneficial, may, at any time before the lien claimant has commenced an action to foreclose such lien, file a bond with

Filing—clerk of district court.

the clerk of the district court in the county in which such property is situated, or, if such property is situated in more than one county, with the clerk of the district court of any county in which a part of such property is situated. Such bond shall be in an amount one and one-

Amount.

half (1½) times the amount of the said lien, and shall be either in cash or written by a corporate surety company. If written by a corporate surety, such bond shall

Approval—corporate surety.

be approved by a judge of the district court with which such bond is filed. The bond shall be conditioned that

Conditions.

if the lien claimant shall be finally adjudged to be entitled to recover upon the claim upon which his lien is based, the principal or his sureties shall pay to such claimant the amount of his judgment, together with any interest, costs, attorney fees, and other sums which such claimant would be entitled to recover upon the foreclosure of a lien against the principal.